

# TRIAL COURT FUNDING

State funding for the trial courts heralds an historic change in the administration of justice in California. By consolidating all funding decisions at the state level, the Lockyer-Isenberg Trial Court Funding Act of 1997 did away with the bifurcated system under which courts were subjected to two separate budget processes—at the county and the state level. The new system promises to ensure equal access to court services and improved service to the public. So far it has resulted in an average increase of 9 percent in funding for the trial courts over the first three years under the act.

## BENEFITS OF FUNDING

The transition to full state trial court funding will likely take several years before its impact is fully felt and appreciated. However, positive effects of state trial court funding are already being felt.

### **Budgets address local and statewide needs:**

Trial court budgets are being developed by the courts bearing in mind the courts' and their public's needs and also in the context of the overarching needs of trial courts statewide. This means that the interests of the people of California are being addressed more uniformly throughout the state.

The 2001–2002 trial court budget development process differs significantly from the process used in the three previous fiscal years. The new budget process is based on Judicial Council priorities and provides greater credibility with the Governor and the Legislature because it con-

forms to the State Budget process and provides more workload justification and documentation than in past years. It also provides courts with more certainty because allocations now are tied more directly to their budget requests.

**Courts have greater management responsibility, flexibility, and accountability:** Trial court funding has freed courts from day-to-day financial uncertainty and provided them the opportunity to redirect their energies toward improving public access and providing quality service throughout the judicial system.

- Courts have increased administrative responsibility and with it the flexibility to make things work in the way best suited to the court and its customers. Along with that flexibility and expansion of self-management, the Trial Court Funding Act requires courts to be accountable and report back results.

- To assist courts in meeting their new responsibilities and expectations, the Administrative Office of the Courts has increased its outreach to county court systems. Regional cooperation among smaller courts has expanded so that management and fiscal expertise can be shared.

**Greater judicial system access, efficiency, and effectiveness:** As a result of state trial court funding, courts around the state have, to varying degrees, been able to improve their operations and, as a result, enhance access, efficiency, and effectiveness. Residents of a county that previously did not have money to spend on its courts

can reap the rewards of having a court system that is financed more heavily and more consistently.

Judicial officers and court staff across the state have risen to those challenges. They are preparing single budgets for the state and identifying their local needs but also helping to determine program priorities to guide the Judicial Council in budget preparation for the statewide trial court system. They are bringing sound management techniques and innovative practices to their operations and beginning to realize the courts' potential to become what their customers expect them to be—accessible, efficient, and effective.

## **LOCKYER-ISENBERG TRIAL COURT FUNDING ACT OF 1997**

Among the highlights, this landmark legislation:

- Provides that the state assume full responsibility for funding trial court operations, beginning with the 1997–1998 fiscal year, in a single trial court funding budget.
- Requires the Judicial Council to submit an annual trial court budget to the Governor for inclusion in the State Budget that meets the needs of all trial courts in a manner that promotes equal access to the courts statewide.
- Provides that counties annually pay to the state the level of funding they contributed to the courts in fiscal year 1994–1995.
- Requires counties to continue funding court facilities and those court-related costs that are outside the statutory definition of court operations, such as indigent defense, pretrial release, and probation costs.

- Directs the Judicial Council to adopt rules of court that ensure a decentralized system of trial court management.
- Establishes a task force on the status of trial court employees and a task force on court facilities to make recommendations to the Judicial Council and the Legislature on appropriate means for addressing related issues. (*The task force submitted final recommendations regarding trial court employees to the Judicial Council in December 1999.*)
- Establishes the Civil Delay Reduction Program, a team of retired judges assigned by the Chief Justice to assist courts in reducing or eliminating delay in civil cases.
- Creates the Judicial Administration Efficiency and Modernization Fund—subject to legislative appropriation—to promote court unification. The Judicial Council may use this fund to promote increased access, efficiency, and effectiveness in trial courts that have unified to the fullest extent permitted by law—including the provision of support for education programs, improved technology, enhanced judicial benefits and educational sabbaticals, and improved legal research assistance to judges.

## **TRIAL COURT BUDGET COMMISSION**

The Trial Court Budget Commission (TCBC), an advisory committee to the Judicial Council, makes recommendations to the council on critical budget and policy issues that affect California's trial courts. The TCBC, established in 1992 to

## Policies Promoted by Trial Court Funding Restructuring

The Lockyer-Isenberg Trial Court Funding Act of 1997:

- Provides a stable, consistent funding source for the trial courts.
- Promotes fiscal responsibility and accountability of the trial courts in managing scarce resources in the most efficient and effective manner.
- Recognizes that the state is primarily responsible for trial court funding, thereby enabling the courts, the state, and the counties to engage in long-term planning.
- Enhances equal access to justice by removing disparities resulting from the varying ability of individual counties to address the operating needs of the courts and to provide basic and constitutionally mandated services.
- Provides significant financial relief in all 58 counties, which is desperately needed to allow the counties to redirect scarce local resources to other critical programs that serve their constituents.

oversee the trial court budgeting process, is comprised of judges and court executives from the trial courts.

The TCBC is responsible for developing budgets and allocating trial court funding under a single-source, state-funded system. This is being handled in accordance with the Judicial Council's recently revised rules of court and budget policies and procedures.

In 1998, the Judicial Council adopted new rules of court governing the membership and operations of the TCBC in accordance with the Trial Court Funding Act. The commission is now structured and functions as follows:

• **Membership:** Commission members, like all advisory committee members, make decisions in the best interests of the public and the court sys-

tem. The commission's 24 members comprise 16 trial court judges and 8 trial court executive officers.

• **Budget requests:** The commission evaluates the incremental budget requests of the trial courts and makes prioritized recommendations to the Judicial Council.

• **Funding allocation:** The commission recommends allocation of state trial court funding to the Judicial Council based on specified criteria.

• **Funding reallocation:** The commission makes recommendations to the Judicial Council on re-allocation of funds during the current fiscal year for specified purposes.